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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by the Economic and Social Council in its resolution 1988/4

Addendum

NETHERLANDS ANTILLES*

[20 June 1996]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.14) and by articles 13 to 15 (E/1982/3/Add.35) submitted by the Government of the Netherlands were considered by the Committee on Economic, Social and Cultural Rights at its first session in 1987 (see E/C.12/1987/SR.5-6) and at its third session in 1989 (see E/C.12/1989/SR.14-15), respectively.

The information relating to the Netherlands Antilles submitted in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.67).

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1/ The annexes are available for consultation in the Secretariat.

Introduction

General

1. The present report on measures adopted in the Netherlands Antilles and progress made in achieving the observance of rights recognized in the International Covenant on Economic, Social and Cultural Rights covers the period from the beginning of 1989 up to mid-1995. As the second periodic report on articles 6 to 9 and articles 13 to 15 is overdue (see E/C.12/1994/11, dated August 1994), the present report will also contain updated information on the aforementioned articles.

2. With reference to the revised schedule for submission of reports by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee at its fourth session (E/C.12/1990/5, dated 20 July 1990), the Netherlands Antilles would like to request, through the Kingdom of the Netherlands that this report be considered as a consolidated document submitted under the new system.

3. With respect to the revised guidelines regarding the form and contents of reports to be submitted by States under articles 16 and 17 of the Covenant (see Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23)), for the general part of the report, reference is made to the core document of the Netherlands Antilles based on the consolidated guidelines for the initial part of reports of States parties, as laid down in document HRI/CORE/1 of 24 February 1992. Also, reference is made to the previous report.

4. With regard to the role of international cooperation in the implementation of the International Covenant on Economic, Social and Cultural Rights, reference is made to what is mentioned under the separate articles with respect to international cooperation, in particular under article 11, in this report. The Netherlands Antilles is a member, through the Kingdom, or an associate member of several international organizations.

5. In the context of this report, reference is made to the Statistical Yearbook for 1994 and the Third Population and Housing Census Netherlands Antilles 1992 vols. 1, 2 and 3.

Article 6

6. The Netherlands Antilles is, as part of the Kingdom of the Netherlands, bound by ILO Convention No. 122 concerning employment policy, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on Elimination of All Forms of Discrimination against Women. Reference is made to earlier reports on the application of these conventions.

7. The past seven years have been marked by a decline in unemployment. The unemployment rate decreased from 28.0 per cent in 1988 to 12.8 per cent in 1994 (Curaçao). The unemployment rate is calculated according to ILO guidelines. Considered to be unemployed are those who have actively searched for a job in the previous month, and who can start in a job within two weeks.

Although the unemployment rate is declining, it still remains high. Unemployment in general and youth unemployment in particular is therefore continuously demanding the attention of the Antillean Government.

8. The tables 1 to 5 below set out the unemployment situation for Curaçao, which is the largest of the five islands of the Netherlands Antilles.

Table 1

Unemployed Curaçao 1981-1994	
1981*	12 006
1988	164 497
1989	12 753
1990	10 800
1991	8 982
1992*	8 161
1993	8 210
1994	8 037

Source: Central Bureau of Statistics labour force sample survey and Census 1981* and 1992*.

Table 2

Proportion of unemployed to total labour force, Curaçao, 1981-1994	
1981*	20.2%
1988	28.0%
1989	22.6%
1990	18.8%
1991	15.4%
1992*	13.6%
1993	13.4%
1994	12.8%

Source: Central Bureau of Statistics labour force sample survey and Census 1981* and 1992*.

Table 3

Proportion of unemployed to the gainfully occupied population, Curaçao, 1981-1994	
1981*	25.4%
1988	39.9%
1989	28.7%
1990	23.1%
1991	18.2%
1992*	15.7%
1993	15.4%
1994	14.7%

Source: Central Bureau of Statistics labour force sample survey and Census 1981* and 1992*.

Table 4

Unemployed by sex, Curaçao, 1981-1994		
	Male	Female
1981*	5 126	6 880
1987	9 013	7 969
1988	6 447	6 808
1989	5 533	6 137
1990	5 742	5 438
1991	4 291	5 154
1992*	3 442	4 719
1993	3 810	4 400
1994	3 737	4 300

Source: Central Bureau of Statistics labour force sample survey and Census 1981* and 1992*.

Table 5

Unemployed by age, Curaçao, 1988-1994								
	1981*	1988	1989	1990	1991	1992*	1993	1994
15-19	3 125	1 601	1 249	1 140	986	937	927	2 468
20-24	3 558	3 359	2 635	2 601	1 753	1 619	1 534	
25-29	1 832	3 161	2 562	2 291	1 848	1 075	1 657	2 886
30-34	1 210	1 977	2 011	1 849	1 629	1 514	1 073	
35-39	844	1 287	1 118	1 286	821	834	974	1 617
40-44	562	717	872	768	1 139	974	817	
45-49	358	594	565	564	588	536	530	807
50-54	263	336	364	271	329	436	340	
55-59	148	223	212	267	279	236	358	259
60+	116		82	142	71			

Source: Central Bureau of Statistics labour force sample survey and Population Census 1981* and 1992*.

Table 6

Unemployed by age per island, 1981				
1981	Bonaire	Saba	St. Eustatius	St. Maarten
15-19	124	8	12	83
20-24	107	5	20	135
25-29	48	5	15	113
30-34	40	3	7	66
35-39	23	1	5	38
40-44	16	4	5	20
45-49	10	2	4	18
50-54	5		1	10
55-59	10	1	6	9
60+	12		4	7

Table 7

Unemployed by age per island, 1992				
1992	Bonaire	Saba	St. Eustatius	St. Maarten
15-19	81	5	4	216
20-24	68	1	6	390
25-29	62	1	7	527
30-34	50		8	460
35-39	36	4	6	336
40-44	42	2	2	233
45-49	31	2	4	131
50-54	19		4	73
55-59	8	2	5	37
60+	4	6	4	22

Source: Population Census 1981 and 1992, Central Bureau of Statistics.

Table 8

Unemployed by island, 1981 and 1992		
	1981	1992
Bonaire	395	402
Curaçao	12 006	10 534
St. Maarten	499	2 425
St. Eustatius	79	50
Saba	29	23

Source: Population Census 1981 and 1992, Central Bureau of Statistics.

Table 9

Unemployed as % of total labour force, 1981 and 1992		
	1981	1992
Bonaire	11.5	8.3
Curaçao	20.2	16.9
St. Maarten	7.7	12.5
St. Eustatius	14.5	5.8
Saba	7.3	4.2

Source: Population Census 1981 and 1992, Central Bureau of Statistics.

Table 10

Unemployed as % of gainfully occupied population, 1981 and 1992		
	1981	1992
Bonaire	13.0	9.0
Curaçao	25.4	20.3
St. Maarten	8.3	14.3
St. Eustatius	17.0	6.1
Saba	7.8	4.3

Source: Population Census 1981 and 1992, Central Bureau of Statistics.

Table 11

Unemployed by sex per island, 1981 and 1992				
	1981		1992	
	Male	Female	Male	Female
Bonaire	211	184	196	206
Curaçao	5 126	6 880	4 545	5 989
St. Maarten	149	350	1 060	1 365
St. Eustatius	29	50	19	31
Saba	7	22	8	15

Source: Population Census 1981 and 1992, Central Bureau of Statistics.

9. Economic and employment affairs are primarily the concern of the island governments. The island governments are in the position to target economic and employment policies and strategies effectively, taking into account particularities of their labour markets and economic structures. The central Government plays a supporting role in this field. It defines the broad outlines of policies and prepares necessary legislation at the central level.

10. In 1988 the central Government embarked on a policy trajectory for promoting flexibility in the labour market. In order to increase such flexibility, the Antillean Parliament adopted an ordinance concerning temporary employment agencies. However, this ordinance has not yet been put into effect by the island governments.

11. In view of the high rate of unemployment amongst the youth, the Antillean Parliament adopted, in November 1989, an ordinance to promote the employment of young job seekers. This job placement measure aims at encouraging employers to take on persons between 18 and 30 years of age who have been unemployed for more than one year. For these employers certain temporary exemptions are accorded in the area of fiscal and social charges. The ordinance empowers the island governments to execute the stipulations of the ordinance by setting up an administrative system. However, this ordinance has not yet been put into operation owing to administrative difficulties.

Table 12: Labour force in the Netherlands Antilles

	Total population	Foreigners
Employed	74 322	13 345
Unemployed	13 434	2 012
Labour force	87 756	15 357
Total population	189 474	24 650
Participation	46.0%	62.0%
Unemployed %	15.3%	13.1%

Source: Central Bureau of Statistics 1994.

12. Amongst the group of foreigners, the participation rate of that part of the population that keeps itself available to carry out work is high. This high participation can be explained on the basis of the age structure of the group: a relatively large number of the foreigners belong to the economically active age group (15-64 years old).

13. The unemployment rates per island are as follows:

	Total population (%)	Foreigners (%)
Curaçao	16.9	9.8
Bonaire	8.3	6.0
St. Maarten	12.5	14.4
St. Eustatius	5.8	5.0
Saba	4.2	3.4

Source: Central Bureau of Statistics 1995.

14. No specific measures have been adopted to ensure that work is as productive as possible.

15. Freedom of choice of employment is a cornerstone of Antillean labour relations. The Kingdom of the Netherlands, which incorporates the Netherlands Antilles, is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits all forms of compulsory and forced labour. Furthermore, the Kingdom of the Netherlands as a whole has ratified ILO Conventions No. 19 banning compulsory and forced labour and No. 105 concerning the abolition of forced labour.

16. The Curaçao Labour Affairs Service organized several courses in cooperation with other training institutions and companies (for example, "Sparansa Pa Desempleado and Curaçaose Dokmaatschappij") throughout the period 1991-1993. These courses were:

Assistant Coach-work;

Coach-work maintenance mechanic;

Assistant bread confectioner;

Plant mechanic;

Pipe fabricator;

Crane driver.

17. The occupational training institute, named Feffik, organizes and facilitates courses and projects aimed at improving the link-up between education and the labour market. This training centre has a tripartite board comprising representatives from Government, labour unions and employers' associations. Its branches are:

The Feffik Computer Training Centre offering computer courses such as micro computer, administration and automation courses;

"Sentro di Edukashon den Konstrukshon" offering courses in construction;

Feffik, in cooperation with the Curaçao Hotel Tourism and Training Center offering training programmes in tourism and the hotel trade (receptionist, chambermaid, cook and waiter);

The International Advanced Automotive Training Centre has the following courses: motor mechanic, motor-car spraying;

Electrical Engineering (mechanic and assistant technician high voltage installation, mechanic and assistant technician power plant and mechanic and assistant airconditioning technician);

"Metallurgical Sector" offering courses for professions in the metallurgical sector, for example plant mechanics, machine mechanics and welding;

"Speransa Pa Desempleado" providing training and refresher courses for the unemployed;

The Management and Human Development Centre providing training in personal formation, motivation, communication, social and vocational abilities;

Social-Educational Sector.

18. With regard to vocational training and rehabilitation of the disabled, various private and public institutes provide (vocational) training for certain categories of disabled persons. There is a special school for the hearing impaired in Curaçao and a labour training centre for the mentally impaired.

19. This centre is a private institute (subsidized by the island government of Curaçao) where the mentally impaired receive training in house-related work and gardening. The candidates for this centre are recruited from the schools for children with learning deficiencies. The capacity of the centre is about 10 pupils on a yearly base. This is also the number of candidates who in view of their capacities are eligible for placement in this centre and who are able successfully to enter the labour market.

20. The Labour Service of the island-territory of Curaçao operates two "social workplaces", where mentally and physically disabled persons receive vocational training and a place to work in a sheltered environment. About 15 disabled men were working in the tannery during the reporting period. In the "social workplace" of Sta-Martha in Curaçao more than 100 disabled (physically and mentally, men and women) have been working in the fields of leatherware, pottery, woodworking and agriculture.

21. According to the 1992 Census, the Netherlands Antilles has approximately 5,600 persons with physical or mental disabilities. It is well known that such citizens require additional attention with respect to integration within their communities. In the Netherlands Antilles it is also well known that the important role which family ties have played in this

respect over the years is now gradually vanishing. The changes in family structures and ties can have consequences for the care and support of the disabled. Bearing this concern in mind the Government of the Netherlands Antilles has formulated a policy plan called "De zorg voor gehandicapte personen op de Nederlandse Antillen; beleid 1994-2004". This plan has been co-formulated with, amongst others, the National Council for the Handicapped. The plan should be considered as an impulse towards a national policy regarding the disabled in the Netherlands Antilles.

22. With regard to guarantees against discrimination, there is no specific general provision prohibiting discrimination in employment in the national legislation of the Netherlands Antilles. There are, however, provisions in the national legislation designed to prevent discrimination in the sphere of employment:

Article 1 (3) of the Collective Agreements Ordinance lays down that the terms of a collective labour agreement may not specify that the employer is obliged to engage or is prohibited from engaging persons of a particular race, religion or political conviction;

Article 4 of the ordinance establishing an employment office states that this national employment agency is to be accessible to all employers and all persons seeking work.

23. Furthermore, the Netherlands Antilles, as part of the Kingdom of the Netherlands, is bound by the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of Discrimination against women.

24. Where discrimination exists in labour relations the parties concerned may always address themselves to a court, where the articles on non-discrimination of the European Convention on the Protection of Human Rights and Fundamental freedoms (art. 14) and the International Convenent on Civil and Political Rights (art. 26) are considered "self-executing" articles.

25. The Government of the Netherlands Antilles is a strong supporter of non-discrimination, and supports, for instance, women's organizations and working groups concerned with eliminating discrimination against women. Moreover, the Government of the Netherlands Antilles has established a special Bureau for Women's Affairs and Humanitarian Affairs, which acts as a focal point for these matters. This Bureau is now in the process of becoming a ministry, under the name of the Department of Welfare, Family and Humanitarian Affairs.

26. The question whether a certain distinction or preference is to be regarded as discrimination is ultimately considered by a court (in the last resort the Supreme Court of the Kingdom of the Netherlands) where examination of cases focuses on the existence of an "objective and reasonable justification", in the light of national practice, international jurisprudence and the scope of the clauses in the relevant treaties. In general, based on current jurisprudence and practice and in view of the relevant treaties, only

gender-oriented discrimination could, under certain circumstances, be deemed acceptable owing to the inherent requirements of a particular line of work.

27. No (statistical) information is available on the situation regarding vocational training and guidance, employment and occupation of persons according to their race, colour and religion. For data on employment according to sex, please see statistics under chapter H (labour) of the Statistical Yearbook of the Netherlands Antilles 1994.

Table 13: Youth labour force (age group 15-24 years) in the Netherlands Antilles

Employed	9 990
Unemployed	4 079
Labour force	14 069
Total population	28 245
Participation rate	49.8%
Unemployed %	29%

Source: Central Bureau of Statistics 1995.

28. Per island territory, unemployment amongst the youth is as follows:

Curaçao	32.7%
Bonaire	18.3%
St. Maarten	20.1%
St. Eustatius	6.0%
Saba	7.9%

Source: Central Bureau of Statistics 1995.

29. No information is available on the proportion of the working population that holds more than one full-time job.

30. The Government of the Netherlands Antilles has recently embarked on a policy of upgrading its labour laws, where necessary to international labour standards, and will not hesitate to enlist the assistance of the International Labour Organization at the appropriate time to ensure basic human rights in the field of labour relations.

Article 7

31. The Netherlands Antilles, as part of the Kingdom of the Netherlands is bound by ILO Conventions No. 14 (weekly rest, industry), No. 81 (labour inspection) and 106 (weekly rest, commerce and offices). Reference is made to reports submitted on the application of these Conventions.

32. Wages in the public sector are governed by an Ordinance. In the private sector wages are fixed partly by individual negotiation and partly by collective bargaining, taking due account of the statutory minimum wage levels.

33. The statutory regulation in the Netherlands Antilles concerning minimum wages is contained in the Minimum Wage Ordinance (P.B. 1972, No. 110). This empowers the Government to lay down minimum wage requirements and prohibits the conclusion of employment contracts providing for wages below this minimum.

34. In the Netherlands Antilles, there are three minimum wage levels, depending on the industrial or commercial sector concerned. These levels vary on the different islands of the Netherlands Antilles, according to the socio-economic situation. The minimum wage levels may be adjusted every year on request of the Island Councils, after careful consideration of social aspects, economic factors and capacity to pay by employers, by these councils, or by committees appointed by said councils and/or the Minister of Labour and Social Affairs. The central Government's policy on minimum wages aims at introducing one general minimum wage level.

35. Every worker who works at least one-third of the "normal working time" is entitled to the minimum wage fixed for his or her economic sector or island. If a working hour schedule is lacking, "normal working time" is considered to be a period of 45 hours a week.

36. A worker aged 21 years or older is entitled to a full minimum wage, whilst workers aged 20 receive 90 per cent, those aged 19, 85 per cent, those aged 18 years 75 per cent and those aged 16/17, 65 per cent of the normal minimum wage.

37. Compliance with the system of minimum wages is supervised by the labour inspectorate of the Department of Labour and Social Affairs.

Table 14

Island territory/age	Categories of minimum wages 1994/1995				
				IV	
	I p. month	II p. month	III p. month	P. hour*	P. month
Bonaire					
21 or older	1 010	816	816	3.54	404.00
20	909	734.40	734.49	3.19	363.30
19	858.50	693.60	693.60	3.01	343.40
18	757.50	612	612	2.66	303.00
17/16	656.50	530.40	530.40	2.30	262.60
Curaçao					
21 or older	1 000	850	850	3.68	420.00
20	900	765	765	3.31	378.00
19	850	722.50	722.50	3.13	357.00
18	750	637.50	637.50	2.76	315.00
17/16	650	552.50	552.50	2.39	273.00
Saba					
21 or older	950	700	700	3.50	400.00
20	855	630	630	3.15	360.00
19	807.50	595	595	2.98	340.00
18	712.50	525	525	2.63	300.00
17/16	617.50	455	455	2.28	260.00
St. Eustatius					
21 or older	950	700	700	3.50	400
20	855	630	630	3.15	360
19	807.50	595	595	2.98	340
18	712.50	525	525	2.63	300
17/16	617.50	455	455	2.28	260
St, Maarten					
21 or older	1 100	1 100	1 100	4.75	500.40
20	990	990	990	4.28	450.36
19	935	935	935	4.04	425.34
18	825	825	825	3.56	375.30
17/16	715	715	715	3.09	325.26

* If less than 22 working hours per week. Amounts are in Netherlands/Antillean guilders.

Table 15. Minimum wages of Curacao, 1980-1995

	1980	1981	1982	1983	1984-1991	1992	1993	1994	1995
Manufacturing	712.45	817.20	910.40	921.70	925.40	925.40	925.40	1 000.00	1 000.00
Service	512.10	587.40	654.40	678.75	686.90	686.90	775.00	850.00	850.00
Trade	429.80	493.00	549.20	583.30	594.95	686.90	775.00	850.00	850.00
Domestic personnel	205.65	235.90	262.05	278.30	283.85	355.00	355.00	400.00	420.00

Source: Department of Labour and Social Affairs.

38. Where inequalities in renumeration and/or conditions of work between men and women exist in the Netherlands Antilles, access is open to court. Please see under article 6 for court sentences condemning certain inequalities in renumeration between men and women in the public sector. The Government (at the central and island levels) is now in the process of coordinating the equal renumeration of male and female public employees.

Table 16. Employed population by gross monthly income from main occupation and sex per island, 1981 and 1992

Income category 1981	Bonaire		Saba		St. Eustatius		St. Maaarten	
	M	F	M	F	M	F	M	F
300 or less	126	255	5	46	66	95	120	435
301 - 650	412	445	95	43	105	29	716	1 011
651 - 1 050	541	203	80	21	62	23	1 027	641
1 051 - 1 500	430	93	41	7	29	13	589	304
1 501 - 3 000	268	89	23	2	18	14	555	219
3 001 - 6 000	103	4	3	1	6		259	18
More than 6 000	10	1	1				48	3
None	38	9					7	22
Unknown	3	1	2		4	1	17	7
Total	2 580	1 100	311	120	290	175	3 338	2 660

Source: Central Bureau of Statistics, labour force sample survey.

Table 17

Income category 1992	Bonaire		Saba		St. Eustatius		St. Maarten	
	M	F	M	F	M	F	M	F
300 or less	65	159	5	12	14	17	126	340
301 - 650	170	424	16	63	41	156	536	1 571
651 - 1 050	532	564	42	53	76	40	1 548	1 822
1 051 - 1 500	736	281	82	22	101	28	2 011	1 175
1 501 - 3 000	768	309	119	47	152	51	3 128	1 803
3 001 - 6 000	224	82	40	12	69	27	1 408	677
More than 6 000	45	2	5	2	14	2	423	80
None								
Unknown	40	29	2	2	23	6	147	106
Total	2 580	1 850	311	213	490	327	9 337	7 574

Source: Central Bureau of Statistics, labour force sample survey.

Table 18. Employed population by gross monthly income from main occupation and sex, Curacao 1981-1992

Income category	1981		1987		1988		1989		1991		1992	
	M	F	M	F	M	F	M	F	M	F	M	F
300 or less	2 070	2 996	696	1 427	1 043	2 080	1 184	2 140	2 266	3 282	2 767	3 253
301 - 650	6 035	5 337	3 863	3 915	5 136	5 325	5 804	6 059	5 915	6 199	4 577	6 792
651 - 1 050	7 053	3 526	5 429	4 002	6 153	3 186	6 238	3 292	5 585	3 647	5 773	3 767
1 051 - 1 500	5 311	2 307	3 845	2 610	3 714	2 333	4 190	2 457	4 981	3 394	5 481	2 930
1 501 - 3 000	5 986	2 395	6 665	3 845	5 901	2 943	6 270	2 766	6 838	4 778	6 702	4 304
3 001 - 6 000	3 015	228	3 532	713	2 680	366	2 547	348	3 084	485	3 251	577
More than 6 000	609	24	1 061	209	469		452	31	410	76	740	59
Total	30 079	16 813	25 091	16 721	25 096	16 813	26 685	17 093	29 079	21 861	29 291	21 682

Source: Census 1981, 1992 and Central Bureau of Statistics labour force sample survey.

Table 19. Consumer price index numbers leeward islands, 1981-1993

	April 1975=100 a/	October 1982=100 a/	December 1984=100 b/	October 1990=100 c/
December				
1981	178.8			
1982		100.0		
1983		102.2		
1984		104.0	100.0	
1985			100.3	
1986			103.3	
1987			105.8	
1988			109.3	
1989			113.7	
1990				100.6
1991				102.3
1992				103.8
1993				106.4

Source: Statistical Yearbook of the Netherlands Antilles 1994, Central Bureau of Statistics.

a/ Leeward Islands.

b/ Curaçao and Bonaire.

c/ Curaçao.

Table 20. Consumer price index numbers, windward islands, 1981-1993

	April 1975=100	October 1982=100	October 1990=100
December			
1981	154.1		
1982		99.8	
1983		100.9	
1984		101.3	
1985		102.6	
1986		106.5	
1987		109.5	
1988		113.4	
1989		117.2	
1990			100.1
1991			102.2
1992			103.9
1993			105.6

Source: Statistical Yearbook of the Netherlands Antilles 1994, Central Bureau of Statistics.

39. Certain minimum conditions of occupational health and safety are prescribed by the Safety Ordinance 1958 (P.B. 1958, No. 14) and three subsequent implementation decrees. This Ordinance applies to all enterprises and all workers. Compliance with the Safety Ordinance is supervised by the safety inspectorate of the Department of Labour and Social Affairs for the island of Curaçao, and by insular safety inspectorates on the other islands. The system of safety inspectorates is now in the process of being reorganized with a view to a more effective and efficient approach.

Table 21. Occupational accidents per island and economic activity 1994

Island	Curaçao	Bonaire	St. Maarten	St. Eustatius	Saba	Neth. Antilles
Sectors						
Agriculture & fishing, hotels, restaurant, transport & communications	262	18	123	0	0	403
Mining	16	0	0	0	0	16
Industry/ manufacturing	173	9	31	0	0	213
Public utility	195	14	31	0	0	240
Construction	529	56	74	10	0	668
Banking, insurance and business services	139	1	22	0	0	162
Other services	14	3	4	0	0	21
Total	1 328	100	290	10	0	1 728

Source: Social Security Bank of the Netherlands Antilles, Research Section.

Table 22. Severity of occupational accidents per island, 1994

	Curaçao	Bonaire	St. Maarten	St. Eustatius	Saba	Neth. Antilles
SEVERITY						
Minor	939	62	220	7	0	1 228
Not serious	241	23	44	2	0	310
Serious	108	10	19	1	0	138
Very serious	37	5	7	0	0	49
Fatal	3	0	0	0	0	3
Total	1 328	100	290	10	0	1 728

Source: Social Insurance Bank of the Netherlands Antilles, Research Section.

40. In the public sector, promotion policy is based on objective standards. In the private sector, equal promotion opportunities are often guaranteed in collective labour agreements.

41. In Annex I information is provided on specific provisions regarding work and rest in the private sector. Excluded from the provisions concerning rest and working hours are wage earners with a salary of 34,600.80 Antillean guilders or more per year (1995). This salary level is adjusted every year. The provisions concerning vacations are applicable to all workers in the private sector, except seafarers, homeworkers and children of an employer living with him/her and working for him/her.

42. In the public sector, normal hours of work are 39 and a half hours per week. Public employees' holidays are governed by the Ordinance of 24 April 1969. Holiday entitlement is dependent on salary level, the minimum being 19 days.

43. With regard to the level of international assistance, reference is made to what has been mentioned under article 6.

Article 8

44. The Netherlands Antilles, as part of the Kingdom of the Netherlands, is bound by the International Covenant on Civil and Political Rights and ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize. Reference can be made to reports on the application of these Conventions.

45. Article 10 of the Constitution of the Netherlands Antilles implicitly lays down the right of association and assembly. This right is restricted by the interests of public order, morality and public health.

46. There are no legal bans or special legal provisions on joining trade unions for certain categories of workers. Public servants are allowed to form and join labour unions.

47. No statutory provisions exist either regarding the affiliation of employers' and workers' organizations with national federations of organizations and with international organizations of the same type. Employers' and workers' organizations are free to affiliate with national or international federations.

48. In order to conclude a collective labour agreement, a trade union must by law (Ordinance on Collective Labour Agreements) obtain a legal status. To obtain this legal status, an association must be recognized as a "moral body" by decree of the Governor under article 1666 of the Civil Code of the Netherlands Antilles. Accreditation takes place by approval of the articles of association or the regulations of the association. The formal objectives of the association should not be contrary to the law or the general rules of morality. As the formal objectives of trade unions are not contrary to the law or the rules of morality, trade unions are always granted legal personality. However, certain restrictions on freedom of association are laid down in article 146, paragraph 2 of the Criminal Code of the

Netherlands Antilles, in the interest of public order, safety, health, peace and good morals, the protection of the rights of others and the welfare of the Netherlands Antilles. In addition, article 34 of the Charter of the Kingdom of the Netherlands and articles 136, 137 and 138 of the Government Regulation of the Netherlands Antilles provide the Queen and the Governor of the Netherlands Antilles (under the responsibility of the Government) with the opportunity of imposing some restrictions in the interest of state security in case of, for example, a state of war. During the reporting period, no restrictions were imposed on the basis of the aforementioned articles.

49. On the basis of the Ordinance on the Recognition of Trade Unions (arts. 14A and 14B of the Ordinance on Labour Conflicts), the Government Mediator (an impartial governmental institution) may at the request of a labour union or an employer hold a referendum in a firm/company to determine whether a labour union - and if so which labour union - has the approval of the majority of the workers or of a category of workers of this firm. The employer is by law obligated to recognize this labour union and to consider this union as a partner in collective bargaining.

50. Annex II contains a list of Netherlands Antillean labour unions.

51. In the Netherlands Antilles, the right of workers and employers to collective action is recognized. Article 6, paragraph 4 of the European Social Charter, which is binding for the Netherlands Antilles, has so-called "direct effect" in Netherlands Antillean law, which means that citizens may directly refer to this article in a court procedure in case of possible violation of the right to strike. Although the Government of the Netherlands Antilles indicated during the ratification process of the Charter that some restrictions would be applied concerning the right to strike of public employees, in practice and in several court rulings in the Netherlands Antilles, the right to strike of public employees has been recognized. (Copies of these court rulings are provided in annex III.) Articles 374 (a), (b) and (c) of the Antillean Penal Code and section 82 of the Ordinance No. 159 of 1964, which limit the right to strike of public employees, are for all practical purposes obsolete.

52. With respect to the right to collective action, the court may decide whether such an action is legal in the light of the circumstances. In case law, several criteria have been developed which are in principle the same as in Dutch law, as the Supreme Court of the Kingdom is the same for the Netherlands and the Netherlands Antilles. As a rule, a strike proclaimed by a (recognized) labour union to enforce certain demands pertaining to labour conditions is deemed legal unless attendant circumstances lead to another conclusion. In judging about the legality of a strike, the court estimates whether the goal of the collective action is in reasonable proportion to its consequences.

53. The right to strike of workers (not public employees) is in a sense restricted by the so-called "cooling-off period". The Minister of Labour and Social Affairs has the authority to declare a cooling-off period in a collective labour conflict, during which parties in the conflict must refrain from action and try to resolve the conflict at the negotiation table with the help of the Government's Mediator. Because of the goal of the cooling-off

period, the Committee of Experts of the Council of Europe's European Social Charter does not consider this an unacceptable restriction on the right to collective action.

54. A cooling-off period of up to 30 days may be announced for normal enterprises. For several types of enterprises deemed of vital importance to the Netherlands Antilles, a cooling-off period of 90 days may be imposed. The Government of the Netherlands Antilles emphasizes that the 30 days and the 90 days of cooling off which may be imposed are maximum periods. The 90-day period may be imposed with respect to paralysing collective actions in certain vital industries in the Netherlands Antilles.

55. The Netherlands Antilles do not have their own armed forces. The defence of the Netherlands Antilles is a matter of the Kingdom of the Netherlands (art. 3 para. 1, (a), Charter of the Kingdom of the Netherlands). Consequently, draftees of the Netherlands Antilles fulfil their military service under the rules of the armed forces of the Kingdom of the Netherlands. As for the police force, the same roles apply as for all public employees. All public employees are free to form of join trade unions.

Article 9

56. The following ILO Conventions are not in force in the Netherlands Antilles: Nos. 102, 121, 128, 130 and 168.

57. In the following overview the existing legal regulations regarding social security in the Netherlands Antilles will be explained.

58. Pursuant to the Sickness Insurance Act all workers are insured as long as they have an income that is not more than the wage limit. For the year 1993 the wage limit was set at 2,771.60 Netherlands Antillean guilders. In 1995 the wage limit has been set at 2,883.40 (± US$ 1,601.89).

59. Some groups of workers are excluded from this insurance, these are:

The worker who is also an employer himself or herself;

Parents and living-in children of the employer;

House-servants and homeworkers;

Casual labourers working less that 12 consecutive days;

Captains and crew members of Antillean owned ships;

Civil servants and teachers.

60. In case of sickness the insurance provides free medical care including maternity and also for sick leave. The right to medical care lasts for two years starting on the day of reporting sickness and includes medical (also specialist's) examination and treatment, nursing and all other unavoidable costs directly linked with the sickness. There are plans to abolish the

two-year limit concerning medical care, starting on 1 January 1996. Dental surgery is covered provided that it is not necessitated by tooth decay.

61. In certain cases the Social Insurance Bank may decide to give a reimbursement instead of medical care. Sickness pay (covering loss of wages) is supplied from the day of reporting sickness, except when the sickness lasted for no longer than three days and if there was no case of hospitalization.

62. The right to sickness pay expires two years after the day of reporting sickness. The sickness pay will, if approved by the legislative council, beginning on 1 January 1996 amount to 80 per cent of the daily wage for all workers (male and female), hospitalization or no hospitalization.

63. The sickness pay is not applicable for the days which, under normal circumstances, no wage would have been paid. A worker cannot receive both a wage from the employer and a sickness pay from the Bank over the same period of time. In such a case the sickness pay is reduced accordingly.

64. For 1996, more changes are to be expected concerning legislation in the field of social security. Some information on these proposed changes, which are yet to be approved by Parliament, is provided below.

65. In 1996 those who are workers on 1 January and who later lose their jobs will under certain conditions also be insured against sickness. The family, meaning wife and child(ren) of the workers will also be insured against sickness through the worker. Information is provided later in the report on the categories of children insured.

66. As the family members of workers or ex-workers do not qualify for the definition of worker, they do not have a right to sickness pay. When they do qualify, they will have the same rights as any worker, in which case family members will lose their right to sickness insurance in the same circumstances in which the worker loses the right to sickness pay. In some cases the worker, although sick, has no right (any more) to sickness pay. This is the case when the sickness is due to one's own negligence or gross fault, when one refuses a medical treatment or check-up, or when recovery is hampered or when one leaves the country without permission of the Social Insurance Bank.

67. The contribution for the insurance of the worker is paid in full by the employer and amounts to 8.3 per cent of the worker's wage. The worker will have to pay an amount of 2.1 per cent of his wage for the insurance of the family members. For the insurance of the ex-worker and the family members the island governments will contribute an amount of 2.1 per cent derived from the total wages of all workers.

68. The contribution can be collected by the same means as the direct taxes. The contributions are deposited in a fund from which all payments are made, including the costs of administration.

69. Workers, ex-workers and their family members will, once the Parliament approves the proposed changes in legislation, be able to appeal any decision the Bank has taken. In 1996 they will have to direct their appeal first to

the Bank. In case this decision is considered unsatisfactory or in case there is a case of delayed response from the Bank, the Court of Appeal of the Netherlands Antilles will have a final say in such cases.

70. As a part of the welfare policy the island governments have a provision regarding medical care for the poor and indigent. It applies to those who earn less than the lowest minimum wage laid down in the Minimum Wage Act. It provides for medical treatment (including by specialists) and nursing, costs for maternity and paramedical assistance on medical indication. If necessary a patient can be referred to a medical institution abroad when in need of treatment that is not available in the Netherlands Antilles.

71. With regard to civil servants, 90 per cent of their medical costs are paid for or reimbursed by the Government. As a matter of fact this reimbursement only counts for unavoidable medical costs. The medical costs of the family members are also paid for or reimbursed at 90 per cent. One distinction is the difference in class when being admitted to the hospital. Depending on the rank in the civil service one is admitted either to class 1, 2 or 3 of the hospital.

72. There is an insurance regulation concerning retired government personnel. According to this regulation all medical expenses for the retired and their family members or widow(er)s and orphans are reimbursed as long as these persons reside in the Netherlands Antilles. One is considered not residing in the Netherlands Antilles when one remains abroad for more that 12 consecutive months. This regulation also covers medical expenses incurred outside the territory of the Netherlands Antilles. The contributions for this insurance are paid by both the active civil servant and the retired civil servant, the government worker and the widow(er).

73. The Old Age Insurance Act provides for a pension at the age of 60, or earlier to insured persons who request retirement before reaching the age of 60. As a rule all residents are insured, as are non-residents who pay income tax in the Netherlands Antilles. Also insured are non-residents of Dutch nationality living temporarily outside the Netherlands Antilles and receiving an income from the Antillean Government. Retirement pay is calculated regardless of the income of the person entitled to it. A distinction is still made between pensions for married and for unmarried persons.

74. A married woman entitled to a pension, receives the pension for unmarried persons until her husband reaches the age of 60. From then on the husband is entitled to receive the retirement pay for married couples. The pension amounts undergo a yearly adjustment to the price index figure. They are reduced when the pensioner has not been insured during a certain period of time. The reduction is 2 per cent per year before 1975, $2^{1}/_{8}$ per cent from 1975 up to and including 1991 and $2\ ^{2}/_{9}$ per cent from 1991 onwards. And if there has been culpable neglect to pay the contributions, the reduction will be as much as 3 per cent.

75. When a married person receiving a pension dies, the surviving spouse will receive an amount of three times the monthly pension for unmarried

persons. All who qualify for a pension receive a Christmas bonus in December which is 75 per cent of the pension they are entitled to in the period preceding September of that year.

76. The old age insurance contribution is 4.5 per cent of the income of the worker with the understanding that no contribution is due for the part of the income that is over 33,259.20 Netherlands Antillean guilders on a yearly basis. The contribution should be deducted by the employer and handed over to the collector's office.

77. Appeals can be submitted to the Court of Appeal whose decision is final.

78. The government pension fund guarantees a pension to retired government personnel. The amount of the pension depends on the last wage received, adjusted by a cost-of-living allowance.

79. On the death of an insured person the surviving spouse and orphans receive on request a pension under the General Widow's and Orphan's Insurance Act.

80. All residents, and also non-residents who pay income tax to the Netherlands Antilles are insured. Also insured are non-residents of Dutch nationality living temporarily outside the Netherlands Antilles and receiving an income from the Antillean Government.

81. For the widow(er) the right to this pension ends on reaching the age of 60 or in the case of remarriage. For orphans the allowance ends at age 15, except when they are disabled or attending school. In the latter case the allowance ends at age 25.

82. The widow(er)'s pension varies on a sliding scale from 195 to 428 Netherlands Antillean guilders depending on age. A widow(er) with one or more orphans receives the maximum amount. The orphan's pension also varies on a sliding scale from 154 to 195 Netherlands Antillean guilders depending on age, or if one is disabled or enrolled in full-time education and if one is categorized as half orphan or full orphan. The widow(er) entitled to the pension receives on remarriage a lump sum representing one year's pension. At the death of the widow(er) receiving the pension, a person who is qualified, receives an amount representing three months of pension allowance.

83. The contribution is paid by the worker and the employer equally and amounts to 1 per cent of the worker's income. They do not pay for that part of the income which is over 33,259.20 Netherlands Antillean guilders per year. The employer deducts the contributions and hands them over to the collector's office.

84. At the moment, the General Widow's and Orphan's Insurance Act is under revision. The government's pension fund provides for a pension to widow(er)s and orphans of government workers and civil servants. The amount depends on the last wage received and is raised by a cost-of-living allowance.

85. There is an island government regulation stating that under certain circumstances one qualifies for welfare pay. The Cessantia Act stipulates

that when a worker has not part in the termination of the labour agreement, this person is entitled to severance pay from the employer. This does apply to civil servants, teachers and those working on a contract for a predetermined period of time. The amount of the severance pay depends on the wage of the worker and on the amount of years in service. If the worker receives a pension at termination of the labour agreement and the pension is higher than the old age pension, he or she does not qualify for severance pay. If the employer does not pay the severance pay for whatever reason, it is paid by the Social Insurance Bank; the Bank then has all the right to collect the said pay afterwards from the employer.

86. For the execution of this Cessantia Act there is a fund into which the employer deposits a yearly amount for every worker in the service of the company. On request of the worker the Director of the Bank decides upon granting and making payable the severance pay. An appeal against this decision can be made to the Court of Appeal, whose decision is final.

87. The Accident Insurance Act insures all workers regardless of their income against all accidents at work and occupational diseases. The insurance excludes, however, the groups mentioned under the Sickness Insurance Act, except homeworkers who work with toxic substances. The insurance provides for medical care, nursing and accident pay, when a worker has had an accident. The accident pay is limited to the wage-limit established under the Sickness Insurance Act. In certain cases, the Bank may decide to provide reimbursement instead of medical care.

88. Accident pay is paid to all workers who have been declared unfit for work as a consequence of an accident at work or on the way to or from work (taking the shortest route into consideration). In case of complete incapacity for work 100 per cent of the daily wage will be received during the first year. In case of partial incapacity, the daily wage is received proportionally.

89. No accident pay is given for the days when the worker would not have received a wage under normal circumstances. If the worker receives a wage from the employer during the period of incapacity for work as a consequence of an accident at work, then the accident pay is reduced accordingly. If the worker dies as the result of an accident, the relatives are entitled to a payment. In this connection the relatives can be the widow(er) (or ex-spouse), the children and/or the parents of the deceased worker, so far as has been provided for.

90. If after one year it can be established that no further reduction of incapacity for work can be expected, in other words that the healing process has stopped, then the worker may receive on request a lump sum representing six years of accident pay, instead of monthly accident payments. If the unfitness for work is less than 30 per cent, then this conversion can be realized without a request from the worker.

91. Since 1 January 1977 accident pay can be increased yearly on the basis of the price index figure for family consumption. The contributions under the

Accident Insurance Act are paid in full by the employer and vary from 0.5 to 5 per cent of the worker's income (up to the maximum of the wage limit) depending on the classification of the enterprise.

92. If the worker disagrees with any of these decisions by the Bank, from 1996 on it will be possible to appeal to the Bank and at a later stage to the Court of Appeal which has the highest authority to decide. It should be stressed that this appeal is still subject to approval by Parliament.

93. The Accident Insurance Act is applied to workers, ex-workers and family members.

94. Comparison of the percentage of GNP spent on social security 10 years ago and now is not possible; however, comparison between 1986 and 1992 can be made on the basis of figures provided by the Social Insurance Bank. In 1986, 3.6 per cent of GNP was spent on social security; by 1992 this percentage reached 5.2 per cent, an increase of 1.6 per cent. This increase is due to three main factors:

The age limit for the old age pension went from 62 to 60 years;

The working population has grown;

Prices (of medication, etc.) have been steadily rising.

Article 10

95. On the two Papiamento speaking Leeward Islands of the Netherlands Antilles, Curaçao and Bonaire, the term "famia" has a broader meaning than the term "household". This also applies for the Windward Islands (St. Eustatius, St. Maarten and Saba), where the term "family" is used. Here we are dealing with the fact that around the smallest nucleus - this could be a mother with her child(ren), sometimes also a father and his child(ren) or a unit consisting of a man and a woman with or without child(ren) - there is a network of next-of-kin relations. In Curaçao, for example, there are several forms of cohabitation between men and women: marriage (formally acknowledged), and "Kompaña" (living together) and the "Bibá" living apart together. So in the Netherlands Antilles we are dealing with a much more extensive and broader set of relationships when talking about "famia" or "family". The functions (for example, protection in the economic area) which this social unit performs coincide with those of the nuclear family.

96. The average household size in 1992 was 3.3; in 1960 the average size was 5.1. The extended family was one of common living arrangements. This type of family life ensured that care was taken of the children even if the parents failed in this respect for one reason or another. Nowadays, the most typical household is the nuclear family (32 per cent), the second most frequent household type is the one-person household (19 per cent) and the third is the single-parent household (14 per cent). Eight per cent of the households consist of two or more nuclear families with or without other persons (related or not). Only 4 per cent of households consist of single-parent families plus one or more persons. Of all households with children below the age of 18, 28 per cent are single-parent households.

97. Families who either find themselves in such circumstances that they can no longer earn their own living or who are in jeopardy of finding themselves in such circumstances, may be eligible for material assistance from the island governments. In defining the amount of material assistance, the composition of the family is taken into account, as well as a weekly standard flat-rate paid for both a couple or breadwinner and for the members of the family. Everyone who receives material assistance is also awarded a payment twice a year for clothing purposes.

98. Those who can provide for themselves but who have serious difficulties with payments, may - under certain circumstances - be eligible for an advance. There is also the possibility of a modest lump sum payment in the form of a gift, whilst the penniless or less well-off are given full or partial assistance in the payment of water rates.

99. As part of the welfare policy, the island governments have a provision regarding medical care for the poor and indigent. It applies to those who earn less than the lowest minimum wage laid down in the Minimum Wage Act. It provides for medical treatment (also by specialists) and nursing costs for maternity and paramedical assistance on medical indication. If necessary a patient can be referred to a medical institution abroad when in need of treatment that is not available in the Netherlands Antilles.

100. Ninety per cent of the medical costs of civil servants are paid or reimbursed by the Government. Of course this counts only for unavoidable medical costs. The medical costs of family members are also paid or reimbursed 90 per cent. One variation in this respect is in class of hospital accommodation: class 1, 2 or 3 depending on rank in the civil service.

101. There is an insurance regulation concerning all retired government personnel, according to which all medical expenses for retired persons and their family members or widow(er)s and orphans are reimbursed as long as they reside in the Netherlands Antilles. One is considered as not residing in the Netherlands Antilles when one remains abroad for more than 12 consecutive months. The regulation also covers medical expenses incurred outside the territory of the Netherlands Antilles.

102. An island government regulation establishes that the following persons qualify for welfare payments: families with no income or an income below the subsistence level or female persons with one or more children living with the parents or persons over 18 years of age with no income and living with the parents, or persons over 20 years of age who are unable to work owing to a physical or mental disability. For the most disabled, the welfare scheme provides for work at social workshops and on some specific work projects.

103. Each island has a restricted rent rebate system for low-income families. In the island community of Curaçao this means that half of the rental dues of public housing are paid by the government.

104. The Netherlands Antilles, as part of the Kingdom of the Netherlands, is bound by ILO Conventions No. 10 (Minimum Age (Agriculture)), No. 33 (Minimum

Age (Non-Industrial Employment)), No. 58 (Minimum Age (Sea)) and No. 90 (Night Work of Young Persons (Industry)). Reference can be made to reports submitted on the application of these Conventions.

105. Labour Regulation 1952 (see annex III) prohibits child labour of all kind, with or without remuneration (in this respect a child is defined as a person below the age of 14). Excluded from this prohibition is work that is deemed necessary for the vocational training of a child who is at least 12 years of age and has finished primary education, or work which traditionally is done by children (for example distributing and/or selling of newspapers). This work should not be of a demanding nature in a physical or mental sense.

106. Article 17 of the Labour Regulation also forbids night work for youthful persons (persons who are 14 years of age or older but have not reached the age of 18). "Night-time" is defined as the time between 7 p.m. and 7 a.m.

107. On the basis of the Labour Decree Youthful Persons, youths are not allowed to work under harmful conditions. These circumstances are enumerated in detail in this Decree (see annex IV).

108. In the income tax system of the Netherlands Antilles (Ordinance on Income Tax 1943) allowance is made for the personal circumstances of the taxpayer. There are facilities with respect to children in the care of the taxpayer and with respect to other members of the family. Taxpayers with children can apply for a certain deduction of their annual income as the income-basis on which the income tax is calculated. With respect to other family-members, the taxpayer can deduct certain extraordinary expenses, related to, for example, certain illnesses, giving birth, etc.

Article 11

109. The main results of the Third Population and Housing Census Netherlands Antilles 1992 are as follows for income and housing.

Income

110. In Bonaire 25 per cent of the population aged 15 years and older had no income in January 1992. Thirty-six per cent of the women and 14 per cent of the men responded that they had no income. If only persons with an income are considered, then the average monthly income of men is 1,582 guilders and that of women 979 guilders. The highest (average) income, 2,235 guilders, is earned by men in the age group from 45 to 49 years. With regard to women we find the highest average income, 1,264 guilders, is earned in the age group from 40 to 44 years. The principal source of income for both men and women is income from labour or business. Income from retirement pensions takes second place.

111. In Curaçao 29 per cent of the population of 15 years and over has no income. Nearly twice as many women as men have no personal income, 37 per cent as against 19 per cent. On the other hand, the average income of men is much higher than that of women. If we only include persons with an income, the average monthly income of men is 1,941 guilders and that of

women 1,081. The average income rises with age and subsequently decreases again. The most important source of income is from labour. Other forms of income that were mentioned were retirement pension, old-age pension and relief payments.

112. In St. Eustatius (20 per cent), St. Maarten (22 per cent) and Saba (18 per cent) between 18 and 22 per cent of the population of 15 years and over has no income. The chief sources of income are labour, also income from self-employment, retirement pension, old-age pension and relief payments.

Housing census

113. On the islands of Bonaire, Curaçao, St. Eustatius and Saba between 80 and 90 per cent of the living accommodation is in a suitable condition, whereas for the island of St. Maarten 69 per cent of the living accommodation is found in the housing census to be suitable, 20 per cent in bad condition and 11 per cent in very bad condition. In 1981 these percentages for St. Maarten were respectively 82, 13 and 4 per cent. It can be concluded that the quality of the housing stock has deteriorated considerably, which is illustrated particularly by the large increase in the number of shacks. The shacks are concentrated in a number of shanty-towns. In the years prior to the census a great many houses were constructed, not only legal but more often do-it-yourself structures (mostly shacks) erected by or for illegal aliens on the island of St. Maarten.

114. It should be mentioned that migration has been a very important demographic factor throughout the history of the islands. In the past decade and especially during the second half of the 1980s, there was net migration from Curaçao and, despite a rate of natural increase of about 1.3 per cent, the population declined. In St. Maarten, however, the annual growth rate between 1981-1992 was 8.5 per cent, mainly due to immigration of persons mostly from Caribbean countries, who came to work in the island's booming tourist industry. For the country as a whole, there was an increase in the foreign-born population from 16.2 per cent in 1981 to 20.2 per cent in 1992.

115. The Netherlands Antilles, in particular the island of St. Maarten, experiences the ripple effects of heavy migration on a small sized population. The concern therefore is not purely demographic in nature but is also based on the socio-economic and political aspects of illegal migration. The concern is that at present a large number of illegal immigrants have created special, unexpected demands on the economic, health, education, housing and welfare agencies of the country, demands that are becoming increasingly difficult to meet satisfactorily. The island governments, in cooperation with private entities, pay special attention to improving and building houses in the public housing projects.

116. The cooperation aid which the Netherlands Antilles receives originates from development aid projects and European Union (EU) Netherlands programmes. Besides forementioned institutions, the Netherlands Antilles participates as an observer in some international bodies like the Pan-American Health Organization (PAHO), and is an associate member of the Economic Commission for Latin America and the Caribbean (ECLAC).

117. Until 1990 the Government of the Netherlands made 1.5 per cent of the Netherlands GNP available for the Netherlands Antilles and Aruba. These funds are being spent on (i) government projects, (ii) social, educational and cultural projects, (iii) budgetary assistance and (iv) technical assistance. Government projects are public investment projects to improve the investment climate and to develop the key sectors of the economy. However government projects are also related to social, educational and cultural development (see following table).

Table 23

Annual plan expenditures, 1990 to 1993
(millions of Netherlands Antillean guilders)

	1990	1991	1992	1993
Utilities	6.9	15.3	7.4	6.3
Airports	0.2	2.4	1.1	2.0
Harbours	4.2	5.7	2.8	9.3
Roads and bridges	0.8	0.6	0.9	1.2
Education	2.4	4.2	6.5	6.9
Health	9.6	9.6	6.8	0.6
Housing	10.2	5.8	5.2	2.2
Tourism	12.4	2.7	3.6	2.6
Agriculture	0.8	1.1	0.1	0.0
Trade, industry, service	10.6	5.6	2.9	3.2
Total	68.8	69.3	60.1	43.1
Soc. educ. projects	32.4%	26.3%	34.1%	22.5%

Source: Bank of the Netherlands Antilles, Quarterly Bulletin 1993-IV.

118. The Netherlands Antilles continues to stress the development of infrastructure as a key factor for economic development. On the other hand, human resource development, law enforcement and government administration are receiving more and more attention. For 1994 a proposal was launched for spending 33 per cent of the multi-annual plan funds on health and education, while 32 per cent was allocated to urban planning and housing.

119. For the island of St. Maarten evaluation is taking place with respect to rebuilding of the island. On 4 and 5 September 1995, St. Maarten was hit with full strength by Hurricane Luis. The damage was devastating and those two days will stay in the memories of all who experienced this ordeal. Seventy-five per cent of the houses and buildings on the island were heavily

damaged or completely destroyed. Furthermore the damage to production and distribution facilities and offices caused by the hurricane was extensive. As was mentioned before, over the years St. Maarten has experienced the formation of several so-called "shanty-towns". These shanty-towns were all totally destroyed. With both financial aid and technical assistance from within the Kingdom and from several international agencies/bodies the local authorities are in the process of rebuilding the island. The islands of St. Eustatius and Saba suffered relatively less damage compared to St. Maarten.

Article 12

120. The mortality statistics of the Netherlands Antilles give a picture of causes of death which are mainly dominated by chronic degenerative diseases and accidents. In order of importance their causes are: cancer, cardiovascular diseases, cerebrovascular accidents (CVA), perinatal infections and accidents. In total, these causes of death annually account for an average of 65 per cent of all causes of death. The average gross mortality rate in the Netherlands Antilles per 100,000 inhabitants in the period 1986-1992 is 130 for cancer, 65 for CVA, 50 for perinatal infections and 40 for bronchial conditions.

121. From a popular inquiry on the island of Curaçao in 1993 (ISOG 2,000, 1995), it appears that women suffer from chronic complaints more often than men (65.1 per cent versus 50.5 per cent). The most frequent self-reported complaints concern hypertension, problems of the joints, dizziness, chronic back and psychological conditions, such as stress or depression. Lower socio-economic groups have significantly more chronic complaints.

122. The prevalence of diabetes melitus among the population is 10.3. One out of five persons indicates that he/she has psychological problems; more women than men. There is an evident correlation between psychological problems and socio-economic class. In the more highly educated and higher income group such problems are less frequent. As for subjective feelings of well-being, both men and women indicate that they are fairly satisfied with their state of health. Socio-economic status does not play a significant role in this. The feeling of well-being decreases with age.

123. More than half the women are overweight (body mass index is over 27.3), as compared to one third of men. The prevalence of overweight among women increases with age. It becomes less prevalent with increased socio-economic status. Women visit their family doctors, specialists and dentists more often, which is in line with the data obtained from the inquiry that they have more complaints about their health and therefore visit more medical care providers. They are also admitted to hospital more often, although this difference between men and women is not significant.

124. As far as the figure for recipients of Free Medical Aid insurance (32.1 per cent of the population) is concerned, 70 per cent are women. For other forms of insurance the population is more or less evenly divided between men and women. There is a small group of non-insured persons (9.2 per cent of the population) which for the greater part consists of men.

125. The above-mentioned data apply only to the Island Territory of Curaçao. No similar data are yet available for the remaining Island Territories.

126. In 1990 the costs of health care in the Netherlands Antilles, expressed as a percentage of GNP, amounted to 10 per cent. In 1987 this percentage was 8.4 per cent.

127. The average cost of health care per inhabitant of the Netherlands Antilles amounted to roughly 1,400 Netherlands Antillean guilders in 1990. In 1987 it was roughly 1,050 Netherlands Antillean guilders. The cost of health care per insured person in 1990 in various financing arrangements varied from about 350 to about 2,000 Netherlands Antillean guilders.

128. The national and insular governments together bear 70 per cent of the total cost of health care. In 1990 this was about 180 million Netherlands Antillean guilders. The portion of the annual insular budgets that is spent on health care is larger on the smaller islands, Bonaire, St. Eustatius and St. Maarten. On the smaller islands the cost of health care amounts to between 18 per cent and 25 per cent of the budget, while on Curaçao and St. Maarten it is between 11 per cent and 18 per cent.

129. The percentage of the total cost of health care which is spent on primary health care (family doctor, district nursing, laboratory, physiotherapy provisions for the handicapped, ambulance services, preventive care, administration and miscellaneous) is 14 per cent for the Island Territory of Curaçao.

130. According to the data of the 1992 census, 6,668 persons in the Netherlands Antilles are handicapped, 3,414 men and 3,254 women.

Table 24

Handicapped persons, Netherlands Antilles, according to age and sex, 1992

Sex	Age		
	0-29	30-59	>60
Men	928	1 236	1 250
Women	650	939	1 665
Total	1 578	2 175	2 915

Source: Department for Health and Environmental Hygiene.

131. On all the five islands of the Netherlands Antilles there are special provisions for the disabled. Curaçao, the largest island, has the most provisions. They consist of residential care for seriously mentally and severely physically disabled persons, semi-residential care in the form of

family-substituting homes for mentally disabled persons and non-residential care by district nursing services and other private organizations in the form of outpatients' clinics for adults and day-care centres for children. Besides that there are limited supporting provisions, so the disabled may function as optimally as possible in society, for example, in the area of education and employment (amongst other things, sheltered workshops). To some extent there is also adaptation of house-building and transport. Orthopaedic workshops are established where aid is provided for disabled persons.

132. The Department of Social Services finances special aid for disabled persons, such as artificial limbs, wheelchairs and technical provisions for nursing. To bear part of the expenses of disabled persons who are often in an economically weak position, the Government has introduced measures whereby aids for the disabled are imported either free of import duties or at reduced tax-tariffs.

133. There is still room for improvement in care for the disabled, especially in the areas of education and employment. With regard to their participation in social life and acceptance in society of the disabled, there has been some progress during the past few years. A trend can also be observed whereby disabled persons are gradually becoming more often involved in cultural life (for example, visiting or participating in cultural manifestations).

134. It should be admitted that in the existing infrastructure insufficient facilities have been made available for the disabled. Examples of this are the lack of specially adapted public transport and pavements, difficult access to (public) buildings and the shortage of specially adapted toilets and sanitary facilities.

135. The Government is focusing attention on the following matters in its public health policy:

Guaranteeing quality, accessibility and attainability of care within the financial possibilities of the country;

A well-balanced spread of provisions;

Fostering positive developments in the field of public health;

The health-care policy should be backed up by a coherent system of legislation.

136. In anticipation of the introduction of the General Sickness Insurance, a process has been put in place to include family members (wives and children) in the insurance scheme, which falls under the Social Insurance Bank. Up to now this group of family members resorted either under the pro-paupere system, the private insurance or were not insured at all.

137. In the near future more attention needs to be dedicated to health education. Activities in this area are most often organized by volunteers of non-governmental organizations (NGOs). These NGOs dedicate much attention to the promotion of awareness of certain groups of diseases (for example, cancer, cardio-vascular diseases, diabetes, kidney disease, etc.). Recently the

central government established an intersectoral committee to advise the Government concerning an integrated policy in the fields of health information and education.

138. This committee will draft guidelines for the (technical and financial) support of the various non-governmental organizations (NGOs) in the area of health information and education. In this connection talks are also taking place in the education sector in order to make health information and education compulsory in the curriculum (under the denominator of the subject called "care").

139. From the census data it appears that the Netherlands Antilles has an average of 2.24 children per woman over the age of 15. In all the island territories the average number of children per woman is higher among women who are unemployed or who are economically inactive, as compared with working women. It also appears that women without or with a low level of education have a higher average number of children than women with a high level of education.

140. Women 15 years of age and older without education have an average of 3.21 children, compared to 1.01 children per women of 15 and older with the highest level of education. It is specifically the women of the lower socio-economic class that the message concerning birth control does not seem to reach, even though free access to information and contraceptives are available free of charge by the Family Planning Foundation.

141. Within the framework of AIDS prevention, condoms are provided to the population free of charge, in cooperation with the Pan-American Health Organization (PAHO). More insight is required into the use of contraceptives and prevailing opinions and attitudes in this connection.

142. Abortion is not legalized in the Netherlands Antilles. There are no official data concerning the incidence of abortion in the Netherlands Antilles. With a certain degree of reservation, however, it can be assumed that the number of abortions could be somewhat high, judging from the limited use of contraceptives on the one hand and the low birth-rate on the other hand.

143. There are several government and private organizations to which women, with or without payment, can go for advice and counselling concerning health services (for example, pregnancy and motherhood). The most extensive is the information centre concerning sexuality and pregnancy of the Non-denominational District Nursing Service of the Infese Foundation, which is associated with the Maternity Clinic in the island territory of Curaçao. Clients can apply for information and advice free of charge.

144. Infese has published an extensive series of brochures in which several aspects of pregnancy are highlighted very clearly with the use of illustrations. It is important to mention that the information is provided in the local language, Papiamento. However, a disadvantage is that this information is intended first and foremost for the clients of the Maternity

Clinic and so not all women are reached. The Department of Public Health and Pollution Control will distribute the information on the other islands also, in cooperation with the Infese Foundation.

145. International Breast-feeding Week, the week of 1 to 7 August, was introduced as such in the Netherlands Antilles in 1995. The Department of Public Health and Pollution Control supports the "Lechi di Mama" Foundation, which promotes breast-feeding in the Netherlands Antilles.

146. In principle, every woman in the Netherlands Antilles has the right to check-ups during pregnancy. For the under- or less privileged the cost of the check-up is borne by the Government. For various reasons this possibility is not made use of optimally. It is assumed that there is insufficient awareness in the community of the importance of good prenatal care. Furthermore it is supposed that many traditional practices in the community still prevail and that often older family members (mother, grandmother) are consulted.

147. Pregnancy among teenagers (12-19 years) is on the increase. In the period 1990-1992 the number of births among teenage mothers increased from 8 to 12 per cent of all births in the island territory of Curaçao.

148. The perinatal mortality rate per 1,000 babies born alive for the Netherlands Antilles was 14.78 in 1993 and 19.74, 23.78 and 25.95 in the years 1992, 1991 and 1990 respectively. As reasons for the high perinatal mortality, the fact is often mentioned that women do not report in time (in many cases only after the 34th week of pregnancy) and come in for their pregnancy check-ups irregularly. The high perinatal mortality is not connected with certain groups, but occurs in all layers of the population.

149. One of the measures to improve the quality of prenatal care is the introduction of the passport for the pregnant, the so-called SIP system (Sistema Informatico Perinatal), in which all data of the pregnant woman are recorded, starting from the first check-up. In doing so one single unequivocal registration system for obstetric care is arrived at. In this context the Netherlands Antilles is working together with the Centro Latino de Perinatologia (CLAP) and the Pan-American Health Organization (PAHO). The Medical and Health Services of the island territories provide milk free of charge to mothers of new-born babies who are on the dole.

150. Up to July 1995 in the Netherlands Antilles a total of 692 cases of HIV-positive persons were registered, 396 of whom were men and 296 were women. The cumulative number of AIDS patients is 157 cases (101 men, 53 women and 3 children) as of June 1993. The man/woman ratio for AIDS is 1:9.

Table 25

HIV-positive cases according to age, 1985 to May 1994, Netherlands Antilles

Age	Curaçao		St. Maarten*		Bonaire		Saba		St. Eustatius	
	M	F	M	F	M	F	M	F	M	F
10-15										
16-20	14	14	7	8						
21-30	73	62	45	40	1	1	2		2	1
31-40	64	46	45	37	1	1	1	1	1	1
41-50	40	32	20	5	1					1
51-60	22	6	4	1	1					
61-70	6	4	2							
>70										

Source: National Public Health Laboratory.

* St. Maarten including Saint Martin (French part).

151. In 1992 the Government of the Netherlands Antilles published a Memorandum on AIDS setting out the policy for the period 1993-1998. In the policy priority is attached to the completion of effective information and prevention programmes. The importance is also stressed of adequate reception of and care for AIDS patients; research is encouraged for the support of the policy and the necessity to improve AIDS registration emphasized. On the different islands programmes for prevention are being implemented, while programmes have been set up for counselling and for the establishment of easily accessible testing facilities for the public (in St. Maarten). Since the middle of 1995 a national AIDS registration system has been set up.

152. During the reporting period, new information has become available to the Government of the Netherlands Antilles with regard to problematic drug abusers, which gives a picture of the magnitude of the drug problem in the country.

153. On the basis of interpretation of the available data, observation and police reports in 1994/1995, the Government estimates that there are approximately 1,800 problematic drug addicts in Curaçao (population 140,000), 100 in Bonaire (population 11,000) and 17 in Saba (population 1,000). For St. Eustatius and St. Maarten the figures are still unknown. This matter is receiving the serious attention of the Government and both investments (10.5 million Netherlands Antillean guilders) and recurrent costs (5 million Netherlands Antillean guilders yearly) including training of personnel are funded by the central government.

154. For voluntary admissions, the existing five non-governmental and religious motivated rehabilitation centres in Curaçao and the centre in St. Maarten will be strengthened. Plans are under way to develop a centre in Bonaire. Although the insular governments are responsible for voluntary treatment and rehabilitation, the central government will provide 3.5 million Netherlands Antillean guilders for this purpose.

155. A complete national and insular treatment and rehabilitation structure is planned for 1997. To strengthen the communities at the insular level, existing voluntary community prevention structures will be integrated and new systems will be developed in schools and workplaces. The demand reduction approach is to be substantiated by launching coherent community, school and workplace prevention programmes, including activities designed to prevent risk factors and influence behaviour, attitudes and social values positively. This approach is to be sustained by nationwide public education programmes.

156. For an update on the general health situation in the Netherlands Antilles, reference is made to the core document of the Netherlands Antilles and the Statistical Yearbook 1994.

Articles 13 and 14

157. In the area of education, equal opportunities for development for men and women is guaranteed through the Law on Compulsory Education. This law makes it possible for everyone between the ages of 6 and 15 to have a basic education.

158. The first paragraph of article 140 of the Constitution of the Netherlands Antilles states that "education shall be the constant concern of the Government". Strictly speaking, it does not recognize an individual, directly applicable right to education. However, article 2 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, by which the Netherlands Antilles is bound, states that "no person shall be denied the right to education". The European Court of Human Rights has interpreted this to mean that everybody has the right to admission to existing schools and that everybody has the right to enjoy the fruits of education, i.e., the right to recognition by the Government of the results attained in consequence.

159. The following eight paragraphs of article 140 guarantee freedom of education in accordance with the law and stipulate that there shall be sufficient public education, with respect for everyone's religious beliefs.

160. The following laws govern education:

Law for Compulsory Education, Publication Sheet 1991, No. 85;

Law for Primary Education, including Special Education, Publication Sheet 1979, No. 28;

Law for Secondary Education, including Higher Education which can be compared to Education for the Bachelor Degree, Publication Sheet 1979, No. 29;

Law for University Education, Academic Education, including Certain Faculties leading up to the Bachelor Degree and Higher Education.

161. All these laws contain rules and regulations governing each specific type of school and also procedures for the corresponding forms of examination.

162. Primary education is governed by a law which stipulates how this form of education is to be organized and what the minimum requirements are for content, teachers, subsidy, supervision, etc. Primary education in the Netherlands Antilles is compulsory and is available free to all.

163. Secondary education, including technical and vocational secondary education, is generally available and accessible to all. In the sixth year of primary education tests and general performance determine whether a student will enter technical, vocational or general education, or education preparatory to university education. Secondary education is not completely free of charge.

164. General access to higher education is realized on the basis of professional, technical or vocational education. Furthermore, those who have reached the age of 23 and have not received the required education for admittance, are given access to academic and higher education on the basis of a collogium doctum.

165. Private organizations have been established which provide a system of fundamental education for those persons who have not received or completed the whole period of their primary education. The Ministry of Education provides guidance, assistance etc. to these organizations by way of an Officer for Adult Education.

166. The main difficulty encountered on one of the islands of the Netherlands Antilles with respect to the realization of the right to education is that the influx of illegal migrants and their children is such that there are insufficient schools and consequently classrooms to be able to respond optimally to the demand. The problem is compounded by the fact that most of these children speak either English, Haitian Creole or Spanish. Some groups are providing for their own education, in the absence of sufficient schools provided by the Government. The aforementioned private facility is allowed so children from these illegal migrant groups can receive some type of education.

167. The Government of the island territory of St. Maarten where this problem of illegal migrants mainly exists, has plans to have six new schools built with financial aid from the Netherlands in order to alleviate this shortage.

168. Men and women have equal access to the various levels of education and types of school. Men and women make use of these facilities as they see fit, with the difference, however, that there are more females than males in the Netherlands Antilles and the females seem to perform better in education.

169. The language barrier might make some vulnerable and/or disadvantaged. All children in the Netherlands Antilles enjoy the right to literacy and education, irrespective of language, race, religion, etc. Financial help is available to those who do not enjoy an adequate income and scholarships

are generally available. To be able to receive higher education the Government provides scholarships and loans to everyone up to the age of 27.

170. Education in the mother tongue of the students is possible at the primary level. Most schools, however, teach in Dutch and Papiamento in the Leeward Islands, and Dutch and English in the Windward Islands.

171. There are also rules and regulations governing teachers, the hiring of teaching staff, their training, their salaries, etc.

172. Approximately 85 per cent of schools are neither established nor administered by the Government. The Constitution of the Netherlands Antilles guarantees equal financing of government and private schools in accordance with established laws.

173. Measures taken to promote the full realization of the right of everyone to education can be found in the following regulations and policies.

174. The law governing Compulsory Education, Publication Sheet 1991, No. 85, came into force on 1 August 1993. All parents and those in charge of minors have the obligation to have their children registered in a primary school and have them attend classes. This obligation exists from the time the minor is 6 years old, until the age of 15 or after 9 years' attendance at school.

175. The Minister of Education has presented to the Legislative Council a plan for the restructuring and renewal of education in the Netherlands Antilles. The reports "Step by step to a better future" for primary education and "Introduction to fundamental education" for secondary education are the basis for the new educational plan. These reports are being discussed within the Ministry of Education, after which a broader discussion will follow nationally with the governments of all the island territories, school boards, parents' councils, teachers' unions, etc.

176. For the budgeted expenditure for selected outlays on education, reference is made to page 37 of the Statistical Yearbook of the Netherlands Antilles 1994.

177. The following table shows the number of boys and girls in secondary education per type of school in the year 1994/1995 in Curaçao.

Table 26

	LTO	BVO	HAVO/WWO	Total
Boys	1 880	160	981	3 021
Girls	101	1 560	1 498	3 159
Total	1 981	1 720	2 479	6 180

Source: Department of Education of Curaçao.

Notes: LTO - Junior technical education
BVO - Vocational preparatory education
HAVO/VWO - Secondary schools

178. Table 27 provides a view on the number of boys and girls in secondary education per type of school in the year 1994/95 in the Windward Islands of the Netherlands Antilles.

Table 27

Island	School	Boys		Girls		Total
St. M.	HAVO/VWO	124	39.62%	189	60.38%	313
St. M.	MAVO	137	38.70%	217	61.30%	354
St. M.	LTO/MTO Sec. tech. sch.	306	95.03%	16 LTO	4.97%	322
St. M.	LADVO/ALBO	22	9.65%	206	90.35%	228
St. M.	St. MARTIN ACADEMY	265	43.87%	339	56.13%	604
St. M.	St. DOMINIC HIGH SCHOOL	10	32.26%	21	67.74%	31
St. M.	St. MARTIN VOCATIONAL TRAINING SCHOOL	152	72.73%	57	27.27%	209
SABA	SABA COMPREHENSIVE SCHOOL	22	35.48%	42	67.74%	62
St. EUSTAT	G.v.P.SCH MAVO/BVO/IBVO	60	42.86%	80	57.14%	140

Source: Department of Education of St. Maarten

Notes: HAVO = Higher general continued education
VWO = Secondary general school
LTO = Junior technical education
MTO = Senior technical education
LADVO = Junior administrative and service training
ALBO = Alternative junior vocational training
SxM Academy = St. Martin Academy (English secondary education)
G.v.P. Sch. = Gwendolyn van Putten School (international general school)
MAVO = Intermediate general continued education
BVO = Vocational preparatory education
IBVO = Individual preparatory vocational education

179. It can be seen that girls are under-represented in technical education. There are for example, no girls attending the secondary technical school in St. Maarten.

180. The number of boys and girls in secondary education in Bonaire as of September 1995 is as follows:

Table 28

School	Boys	Girls	Total
HAVO	76	107	183
MAVO	111	173	284
LADVO	18	135	153
LTO	192	2	194
Total	397	417	814

Source: Department of Education of Bonaire.

181. The same pattern as for Curaçao and St. Maarten applies for Bonaire, where girls are also under-represented in technical education. No survey has yet been carried out to find out what the real causes of this phenomenon are within the Netherlands Antilles.

182. There is a preponderance of women in the traditionally female occupations such as teaching. In the island of Curaçao, at the teachers training school 3.4 per cent of the students are men and 96.6 per cent women.

183. In secondary schools the percentages for teachers in higher general continued education (HAVO) and preparatory scientific education (VWO) in Curaçao, including the teaching staff at the teachers training school, are 60 per cent men (116) and 40 per cent women (76).

184. In Bonaire the distribution of the teaching staff is as follows:

Table 29

School	Men	Women	Total
Basic	11	50	61
Special	0	5	5
Secondary	34	23	57
Total	45	78	123

185. Female teachers are over-represented in primary education, but in secondary education men dominate.

186. The children who drop out of primary school and are thus unable to follow normal secondary eduction end up in three special schools (two for girls and one for boys). Against this background, it is remarkable that more girls than boys obtain a certificate of secondary education and the present trend is that more girls go on to higher vocational education and university.

187. The present-day results in the field of education give reason for concern in the Netherlands Antilles. It is considered that in the past relatively too much attention was dedicated to cognitive education in contrast to social, creative and spiritual development. Based on these findings, amongst others, the policy plan "Steps to a better future" has been designed.

188. Some of the characteristics of the Antillean educational system correspond with those of highly industrialized countries. Some of these features are:

The high percentage of children in the age group of 6 to 15 years that enjoys daily a full-time education;

The relatively high percentage of the budget of the different levels of governments that is accorded to education;

The relatively high percentage of the national income which is dedicated to education.

189. On the other hand, the Antillean educational system still has some common features with the Netherlands:

The educational system in the Netherlands Antilles can almost be considered a replica of that of the Netherlands;

The tendency exists to copy new developments from the Dutch educational system, with few or no adjustments.

190. The Antillean education and educational system are not sufficiently adjusted to the socio-cultural and socio-economic situation of the Netherlands Antilles and therefore, to some extent, are not in relevant alignment with the experiences of the child. Especially at the secondary level, the knowledge that is introduced is mainly focused on Dutch and European communities and history. To facilitate the transfer of information, material that has been developed for the Dutch setting is often used without any form of adjustment to the Antillean reality.

191. Based on these analyses and conclusions the Government of the Netherlands Antilles has announced that the renewal of primary education will have the highest priority. An integrated approach in education should be the basis of the national policy. This means that, besides other areas of priority, the adjustment of the whole educational system to the needs of the community has become paramount.

192. The means of achieving the former is to provide each child in the Netherlands Antilles with a solid foundation through education, using Papiamento for the Leeward Islands and English for the Windward Islands as the languages of instruction.

193. The current educational renewal plan is a long-term investment. However, the present-day situation calls for urgent measures for the improvement of the quality of the critical level of education. These urgent measures need to be considered as transitional measures prior to the introduction of the new education scheme.

194. Non-governmental organizations also provide courses for young people and adults. In Curaçao, the so-called "Universidat pa Desaroyo di Pueblo", an adult education centre, provides primarily language courses. These courses are attended 90 per cent by women from all social classes and also foreigners. Most are women between 30 and 40 years of age who wish to improve their language skills.

195. There is also the Feffik, which stands for "Fundashon pa Edukashon i Formashon di Fishi i Kapasitashon", a foundation that provides education for adults. It provides education for young adults and extra training facilities for those who are already employed in various fields such as the social-educative field, the metallurgic field, the hotel and tourism sector, the sector of information technology, management and human development and bodywork. A department of Feffik also provides courses for the unemployed.

196. In Bonaire there is the "Fundashon Formashon pa Mayan", (FORMA) a foundation which aims to promote education in general.

Article 15

197. In the first place reference is made to the previous report. Since 1984 the general cultural policy is by agreement decided by the island territories. The central government advises and coordinates. As a result of the outcome of the referendum held with the involvement of the United Nations in all five islands in 1993, the people have decided that the present political status of the country should be maintained. Because of these developments and others the Central Government feels the necessity to develop a cultural policy framework to meet its co-responsibility for the cultural development of all the islands.

198. So the starting-point of the Central Government with regard to cultural life in the Netherlands Antilles is the cultural policy which is primarily laid down and executed at the island level. The role of the Central Government in this for the greater part, has been limited to a role of stimulating, advising, coordinating, supporting and guaranteeing.

199. In view of the fact that, notwithstanding the above-mentioned point of departure, the Central Government bears co-responsibility for the cultural development of the islands, it should formulate a framework for this policy. The first step thereto has meanwhile been taken and before long a small

committee will address the drafting of an adapted cultural policy framework for the Netherlands Antilles in close consultation with the various island territories.

200. The "Memorandum on cultural policy of the Netherlands Antilles", drawn up in 1981, will serve as a starting-point for this new policy. Two areas of interest are put forward:

(i) Protection of the islands' own identities:

(ii) Consolidation of cultural ties between the islands and the realization of satisfactory cultural cooperation at home and abroad.

201. In the memorandum of 1981, culture is looked upon as a total pattern of conduct, as well as the results of a pattern of conduct of man. So, herewith it has already been established that the cultural policy should be based on the concept of culture and the results of conduct of both men and women.

202. A more recent document in relation to furnishing focal points for a Dutch Caribbean cultural policy is the "Government Programme for the Netherlands Antilles for the period 1991-1998". Here there is a third area of special attention, namely the enhanced profiling of the Antillean identity, both internally and externally (particularly in the region). Furthermore it can be said in relation to the above-mentioned coalition agreement 1994-1998 that in the chapter on education and culture mention is made to the adjustment process, whereby attention is paid to the re-evaluation of human qualities, all this in connection with an emancipatory approach in education.

203. With regard to funds, cultural exchanges resulting from cultural agreements are financed by the respective Governments. The Department of Education and Culture is also involved in the purachsing of television programmes from the Dutch broadcasting organization. The Department also arranges the assignment of technical experts and the purachse of television equipment. It also arranges the assignment to the Netherlands Antilles of students who are involved in relevant research projects. Other responsibilities of this Department include subsidizing, purchasing and distributing academic publications and supervising the publication of semi-academic works.

204. The Commission for Cultural Cooperation between the Countries of the Kingdom organizes tours to each other's countries by Antillean and Dutch theatre companies, cabaret groups and soloists. The Department also arranges the assignment of theatre experts, producers and technicians if a request is received from the Netherlands Antilles. Furthermore, the Department is in charge of purachsing books published in the Netherlands Antilles and disseminating them in the Netherlands Antilles, for example through libraries. Upon request, the Department acts as an intermediary betwenn Antillean writers and Dutch publishers, supplies information about Antillean writers to students and other interested parties, arranges contacts and generally provides advice to bodies in the Netherlands Antilles. Subsidies are also provided for

Antillean literary publication by the Island's Councils, the Department of Education and Culture or OKSNA, which is the cultural cooperation consultative body of the Netherlands Antilles.

205. Besides the central Government, the island territories also grant a fixed subsidy to cultural organizations on a yearly basis.

206. What has been mentioned with regard to the threatre applies also to music and dance.

207. The Netherlands Foundation for Cultural Cooperation (STICUSA) was established in 1948. At that time the question arose as to how cultural cooperation between the countries of the Kingdom could be organized so as to place the countries on a footing of equality. It was decided to promote the establishment of an autonomous sister organization in the Netherlands Antilles which could act as an organizational nucleus for cultural activities. Cultural centres were established on each of the five islands. Each centre comes under the Executive Council of the island territory. The annual subsidies they received from the Government of the Netherlands are an important source of income.

208. In 1989 STICUSA was abolished. The responsibilities vested in it since 1986 were gradually transferred to OKSNA, which had been set up in 1984 and had channeled funds made available by STICUSA. The purpose of abolishing STICUSA and establishing OKSNA is to give the island's Executive Councils greater responsibility for cultural policies on their islands. Furthermore, in this way the allocation of funds and the organization of activities will be left entirely to the islands. OKSNA is chaired by the Antillean Minister of Culture and includes among its members the Commissioners of Culture of the respective islands of the Netherland Antilles.

209. OKSNA is active in the field of cultural cooperation and cultural development. The projects with which it is concerned have various aims, including the following:

Preserving folk culture;

Promoting cultural expression;

Promoting creativity and self-expression;

Promoting cultural activities using the written and spoken word;

Promoting library work;

Preserving cultural heritage;

Promoting museum work;

Creating a cultural infrastructure;

Promoting cultural cooperation between the islands;

Promoting the use of the media for purposes of cultural development.

210. OKSNA may provide grants for study and specialization within its fields of activity. Applications must be filed with the OKSNA secretariat before September of each year with respect to courses which start the following academic year.

211. OKSNA has several financial resources. Projects and activities are financed from:

Funds allocated under the cultural budget of the Government of the Netherlands Antilles and the Parliaments of each of the Island Communities of Curaçao, Bonaire, St. Maarten, Saba and St. Eustatius;

Funds transferred from the Government of the Netherlands, through the office of the Minister for Netherlands Antillean and Aruban Affairs;

UNESCO.

212. The funds budgeted by the office of the Minister for Netherlands Antillean and Aruban Affairs are channelled through the Representative of the Netherlands for development cooperation to the Netherlands Antilles.

213. The Department of Education of the Netherlands Antilles, through the section of the National Commission of UNESCO for the Netherlands Antilles, has worked on an art project called Carib Art - a travelling exhibition which presents the work of Caribbean contemporary artists. This project consists of two collections, one of about 175 original contemporary art-works from 37 Dutch-, English-, French- and Spanish-speaking countries in the Caribbean region. The second collection consists of two-dimensional reproductions of that collection.

214. Carib Art is an initiative of the National Commission for UNESCO of the Netherlands Antilles and all coordination is being carried out by this Commission.

215. In November 1991 a Carib Art Conference was held in Curaçao. In 1993 the Carib Art exhibition was opened and has travelled (and still is) to several countries throughout the region. Relevant information on Carib art is disseminated through a newsletter. The year 1995 was proclaimed by the United Nations as the "Year of Tolerance" in order to heighten public awareness of the threat to peace posed by lack of tolerance between nations, between communities and between individuals. The move for a United Nations "Year of Tolerance" comes at a time when lack of tolerance is increasingly plaguing both public policy and individual behaviour, and is one of the root causes of the conflicts we are currently witnessing all over the world.

216. The National Commission of UNESCO will act at the coordinator of this 1995 event, combining messages and information to the media, schools and other institutions. The Minister of Education and Culture of the Netherlands Antilles has decided to prclaim 16 November 1995 the "Day for Tolerance". This

day which will coincide with the anniversary of the signing of UNESCO's Constitution 50 years ago, will serve as a specific annual occasion for tolerance education in schools and the sensitization of the general public to the importance of tolerance.

217. Within the Service for Cultural Affairs each of the island territories has at its disposal a section for inter-insular and international relations, which is in charge of establishing inter-insular and international contacts in the field of culture. Cultural contacts are often also established and/or maintained with authorities and groups from other countries through their consular representation in the Netherlands Antilles.

218. Furthemore there are various bilateral treaties with countries in and outside the region in the field of cultural, intellectual and friendship cooperation which also apply to the Netherlands Antilles.

219. In the Netherlands Antilles the legislation in the field of intellectual property is the Authors' National Ordinance of 1913, the Trade Marks National Ordinance of 1961 and the National Patent Act of 1995. Because of social developments whereby industrial property rights, copyrights and related rights are more and more merging into one another and in accordance with international tendencies, recently (as of 1 February 1995) the Bureau for Industrial Property, which has been in existence for the last 100 years, was renamed the Bureau for Intellectual Property. This implies that this government institution will now also deal with copyrights.

220. The Bureau for Intellectual Property also has an advisory function to both governmental and non-governmental organizations. For example, technical assistance is provided to a non-governmental organization which has recently been set up to deal exclusively with the promotion of the interests of authors, entertainers, artists and others within the Netherlands Antilles.